

### REMARKS

Claims 1-3, 5-11, 14, 16-21, 23-24, 26-35, and 59-75 are pending in the present application. In the Office Action dated March 2, 2006, claims 1-3, 8-11, 14-21, 25, 26, 33-35 and 37 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 1,031,854 to Keyes ("Keyes"). Claims 4, 8, 12-13, 22 and 36 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claims 5-7, 23-24 and 27-32 were allowed.

### **Information Disclosure Statement**

As a preliminary matter, Applicants note that, to date, the Form PTO-1449 from the Information Disclosure Statement (IDS) filed on June 26, 2003, has not been returned. Enclosed herewith is a copy of the IDS filed on June 26, 2003 along with the date stamped postcard evidencing receipt of the IDS by the U.S. Patent and Trademark Office. Applicants respectfully request that the Examiner consider the references cited in the IDS filed on June 26, 2003, and initial and return the Form PTO-1449 to the Applicants.

### **Final Rejection Is Premature And Must Be Withdrawn**

Applicants filed a Request for Continued Examination (RCE) on December 14, 2005. In the amendment submitted with the RCE, claims 1, 19, 27 were amended. In the first Office Action following filing the RCE, the Examiner has issued a final rejection.

Applicants request that the finality of the present Office Action be withdrawn. In order for the Office Action immediately subsequent to filing of a RCE to be final, all of the claims must be (1) drawn to the same invention; and (2) the claims would have been properly finally rejected on the grounds and art of record in the next Office Action if they had been entered. See, M.P.E.P. § 706.07(b) and § 706.07(h)(VIII).

In this Office Action, the claims are rejected in view of a different reference that was not previously of record. Namely, claims 1-3, 8-11, 14-21, 25, 26, 33-35 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Keyes. Accordingly, the final rejection is premature and must be withdrawn because claims 1-3, 8-11, 14-21, 25, 26, 33-35 and 37 are rejected in view of a different reference (*i.e.*, Keyes).

**Claims and Rejections**

The Examiner is thanked for their careful examination of the present application and for their indication of allowable subject matter. Applicants are therefore amending claims in the present application in order to conform with the Examiner's indication of allowable subject matter. The subject matter of objected to dependent claim 4 has been added to independent claim 1. The subject matter of objected to dependent claim 12 has been added to independent claim 10. New claim 59 has been added, which includes the subject matter of objected to dependent claim 13 and former independent claim 10. The subject matter of objected to dependent claim 22 has been added to independent claim 19. The subject matter of objected to dependent claim 36 has also been added to independent claim 33.

It is understood, however, that the applicants do not agree with the Examiner's rejections based on the cited references, and are amending claims solely for the purpose of expediting the issuance of the allowable subject matter. Applicants therefore reserve the right to include any of the present claims, in non-amended form, in any continuation, divisional or continuation-in-part application.

New dependent claims 60-75 have been added, which depend from corresponding independent claims 1, 5, 7, 10, 19, 23, and 27 that are in allowable form.

All of the claims remaining in the application (*i.e.*, claims 1-3, 5-11, 14, 16-21, 23-24, 26-35, and 59-75) are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is encouraged to call the undersigned at (206) 903-8787 if they have any questions or believe that a telephone conference would expedite allowance of this application.

Respectfully submitted,  
DORSEY & WHITNEY LLP



Marcus Simon  
Registration No. 50,258  
Telephone No. (206) 903-8787

MS:clr

Enclosures:

- Postcard
- Fee Transmittal Sheet (+ copy)
- Copy of IDS filed on June 26, 2003
- Copy of date stamped postcard evidencing receipt of IDS filed on June 26, 2003

DORSEY & WHITNEY LLP  
1420 Fifth Avenue, Suite 3400  
Seattle, Washington 98101-4010  
(206) 903-8800 (telephone)  
(206) 903-8820 (fax)

h:\ip\clients\pacific int'l tool & shear\470692-00010-us02p\470692-00010us02p 030206 f oa amendment.doc